

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 1, 1998**

E014394 People v. Jesus Sandoval Macias
Appellant's petition for rehearing denied.

E018959 People v. Hector Mendez Sandoval
Appellant's petition for rehearing denied.

E020417 People v. Shawn Dwayne Fox
Appellant's petition for rehearing denied. Modification of Opinion.
No change in judgment.
Ramirez, P.J.,
We concur: McKinster, J., Ward, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 2, 1998**

E019676 People v. Mario H. Campos

Opinion

Judgment affirmed.
McKinster, Acting P.J.
We concur: Ward, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 6, 1998**

E020911 People v. Kenneth W. Aponas

Modification of Opinion

No change in judgment.

Appellant's and Respondent's petitions for rehearing denied.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 7, 1998**

No minutes for July 7, 1998

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 8, 1998**

No minutes for July 8, 1998

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 9, 1998**

Court convened at 9:30 a.m.

Present:
Hollenhorst, Acting P.J.
McKinster, J.
Richli, J.
Madeline Mozee, Clerk

E022338 Terrence S. v. Superior Court

Merits. Cause called and Maria G. Niciforos, Esq., argued for appellant; Mary O'Hara, Esq., argued for respondent. Cause submitted.

Court recessed.

E019449 People v. Charles L. Ringwald

Opinion

Judgment affirmed.
Richli, J.
We concur: Hollenhorst, Acting P.J., Gaut, J.

E020387 Felisa B. DeLopez et al. v. Devices for Vascular Int. et al.

Opinion

Judgment Reversed.
Hollenhorst, Acting P.J.
We concur: McKinster, J., Ward, J.

E021084 James Ward v. T. E. Gantt et al.

Opinion

Judgment affirmed.
Richli, J.
We concur: Ramirez, P.J., Hollenhorst, J.

E018039 Paul Ziskin v. James Robert Alexander Sikowski

Appellant's petition for rehearing is DENIED.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 10, 1998**

E022945 Peo. v. Victor Manuel Parra

E022947 Peo. v. John Cox

Appeals consolidated for all purposes; E022945 is designated the master file.

**E021655 In re Shane C., a Person Coming Under the Juvenile Court Law
Department of Public Social Services v. Dawn C.**

**E022594 In re Shane C., a Person Coming Under the Juvenile Court Law
Department of Public Social Services v. Dawn C.**

Appeals consolidated for purposes of briefing, oral argument and decision.

E021655 is designated the Master File.

E018265 Santiago Parkside Estates v. Diana Lozon et al.

Judgment affirmed in part; reversed in part.

Opinion

Ramirez, P.J

We concur: Hollenhorst, J., McKinster, J.

E020727 The People v. Saul B. Perez

No change in judgment.

Modification of Opinion

Hollenhorst, J.

We concur: Ramirez, P.J., Richli, J.

E022194 The People v. Gregory Joseph Dore

E022972 The People v. James Allen Daley

Appeals consolidated for purposes of record, briefing, oral argument and decision.

E022194 is designated the Master File.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

Minutes - July 13, 1998

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| E019195 | People v. Ralph E. Leyvas
Judgment affirmed.
Ward, J.
We concur: Ramirez, P.J., Gaut, J. | Opinion |
| E019638 | Jean Barthelemy et al. v. The Flood Control District of the County of Orange
Judgment affirmed.
Richli, J.
We concur: McKinster, Acting P.J., Gaut, J. | Opinion |
| E019739 | People v. David C. Dawson
Judgment affirmed.
McKinster, Acting P.J.
We concur: Ward, J., Gaut, J. | Opinion |
| E021399 | People v. Salvador Acosta
Judgment affirmed in part, reversed in part with directions.
Gaut, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | Opinion |
| E021298 | People v. Zackery
Judgment affirmed in part, reversed in part with directions.
Gaut, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | Opinion |
| E021049 | People v. Ramirez
Judgment affirmed.
Richli, J.
We concur: Ramirez, P.J., Hollenhorst, J. | Opinion |
| E020780 | People v. Timothy D. Aguirre
Judgment affirmed.
Ward, J.
We concur: Ramirez, P.J., Gaut, J. | Opinion |
| E020917 | In re Humberto A., a Person Coming Under the Juvenile Court Law
People v. Humberto A.
Judgment affirmed. | Opinion |
| E022417* | In re Humberto A., a minor on Habeas Corpus
Petition denied.
Richli, J.
We concur: Hollenhorst, Acting P.J., Gaut, J.
*Considered with the appeal. | |
| E020011 | People v. Mark A. Hoover
Appellant's petition for rehearing denied. | |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 14, 1998**

No minutes for July 14, 1998

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 15, 1998**

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|-----------------|---|----------------|
| E019371* | San Elijo Ranch, Inc. v. City of San Marcos | Opinion |
| | Judgment affirmed as to City of San Marcos; Reversed as to San Elijo Ranch, Inc.
Gaut, J.
We concur: McKinster, Acting P.J., Richli, J.
*CERTIFIED FOR PUBLICATION | |
| E019567 | Harold Horton v. Murray Plumbing & Heating Corp., et al. | Opinion |
| | Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Gaut, J. | |
| E020294 | County of Riverside v. City of Murrieta et al. | Opinion |
| | Judgment affirmed.
Gaut, J.
We concur: McKinster, Acting P.J., Richli, J. | |
| E021256 | People v. Robert Lee Kirby | Opinion |
| | Judgment affirmed.
Richli, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | |
| E019473 | People v. Michael Kenneth Hadden | |
| | Appellant's petition for rehearing denied. | |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 16, 1998**

No minutes for July 16, 1998

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 17, 1998**

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|-----------------|--|----------------|
| E021209 | People v. Freddie D. Aguirre
Judgment affirmed.
Hollenhorst, J., Acting P.J.
We concur: Richli, J., Gaut, J. | Opinion |
| E021459 | People v. Antonio R. Quezada
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., Gaut, J. | Opinion |
| E021109 | John A. Burke v. County of San Bernardino
Judgment Reversed.
Gaut, J.
We concur: McKinster, Acting P.J., Richli, J. | Opinion |
| E020118 | People v. Diana M. Sala
Judgment affirmed. | Opinion |
| E022033* | In re Diana M. Sala on Habeas Corpus
Petition denied.
Gaut, J.
We concur: McKinster, Acting P.J., Richli, J.
*Considered with the appeal. | |
| E020849 | DPSS v. Shelly V. et al.
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Gaut, J. | Opinion |
| E020008 | People v. Charles D. Clayton
Judgment affirmed.
McKinster, Acting P.J.
We concur: Richli, J., Gaut, J. | Opinion |
| E022338 | Terence S. v. Superior Court
Petition Denied.
Hollenhorst, J., Acting P.J.
We concur: McKinster, J., Richli, J. | Opinion |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 20, 1998**

E020549 People v. Floyd Victor Montoya
Appellant's Petition for Rehearing Denied.

E021135 People v. Daniel L. Fricker
Judgment affirmed in part, reversed in part.
Richli, J.
We concur: Ramirez, P.J., Ward, J.

Opinion

E020029 Northwest Pipe & Casting v. Calfon Construction et al.
Judgment affirmed in part as modified, reversed in part, remanded with directions.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Gaut, J.

Opinion

E020729 Sharon Bongfeldt v. Riverside Medical Clinic et al.
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Gaut, J.

Opinion

E019979 People v. Cedric V. Stephens
Judgment affirmed and remanded with directions.
Hollenhorst, Acting P. J.
We concur: Richli, J., Gaut, J.

Opinion

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 21, 1998**

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|-----------------|---|----------------|
| E019336 | People v. Timothy C. Mora
Judgment affirmed and remanded w/directions.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Richli, J. | Opinion |
| E021636 | People v. Jim C. McDonald
Judgment affirmed.
McKinster, Acting P.J.
We concur: Richli, J., Gaut, J. | Opinion |
| E019640* | Hillary G. Biallas v. Mark Biallas
Judgment reversed with directions.
Gaut, J.
We concur: Hollenhorst, Acting P.J., McKinster, J.
*CERTIFIED FOR PUBLICATION | Opinion |
| E019790 | People v. Lawrence Baca
Judgment affirmed.
McKinster, J.
We concur: Hollenhorst, Acting P.J., Richli, J. | Opinion |
| E020510 | Sharon A. Varner et al. v. Swaranjit Nijjar et al.
Judgment affirmed.
Gaut, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | Opinion |
| E018284 | Ronal Kiskila et al. v. Business Exchange, Inc., et al.
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P.J., Gaut, J. | Opinion |
| E020803 | People v. Dealba
Judgment affirmed.
Ramirez, P.J.
We concur: Richli, J., Ward, J. | Opinion |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 22, 1998**

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|----------------|---|----------------|
| E019999 | People v. Jorge H. Morales
Judgment, reversed as to count 12; affirmed in all other respects.
Ward, J.
We concur: Ramirez, P.J., Hollenhorst, J. | Opinion |
| E021794 | City of San Bernardino v. Superior Court of San Bernardino;
Amanda Arriaga et al.
Petition Granted.
Gaut, J.
We concur: Hollenhorst, Acting P.J., McKinster, J. | Opinion |
| E020910 | People v. Keith L. Giddens
Judgment affirmed.
Ramirez, P.J.
We concur: Ward, J., Gaut, J. | Opinion |
| E018990 | Ronal Kiskila et al., v. Timothy Taggart
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P.J., Gaut, J. | Opinion |
| E021213 | People v. Amos Roberts
Judgment affirmed with modifications.
Ramirez, P.J.
We concur: McKinster, J., Ward, J. | Opinion |
| E020298 | Odell Graves v. County of San Bernardino
Judgment Affirmed.
Ramirez, P.J.
We concur: Richli, J., Gaut, J. | Opinion |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 23, 1998**

E021402 People v. Angel P. Gonzalez

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Ward, J.

E020336 William J. Hanks v. Gerald A. Stayner

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Ward, J.

E019874 People v. Steven Chino Sandoval

Opinion

Judgment affirmed with directions.

Ramirez, P.J.

We concur: Richli, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 24, 1998**

E021185 People v. Jaylon Deliel Cox

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

E023050 People v. Bruce J. Usher

E023051 People v. Mary B. Usher

Appeals consolidated for all purposes, E023050 is designated the master file.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 27, 1998**

E020466 People v. Joshua W. Linton

Opinion

Judgment reversed with directions.

McKinster, J.

I concur:, Ward, J.

I dissent, Ramirez, P.J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 28, 1998**

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| E021009 | Albert G. Knoefler et al. v. City of Riverside et al.
Judgment affirmed.
Gaut, J.
We concur: Hollenhorst, Acting P.J., Ward, J. | Opinion |
| E020660 | People v. Rodney B. Ramirez
Judgment affirmed.
Richli, J.
We concur: McKinster, Acting P.J., Gaut, J. | Opinion |
| E020601 | Steve Jones v. James M. Fountain et al.
Judgment affirmed.
Gaut, J.
We concur: Hollenhorst, Acting P.J., Ward, J. | Opinion |
| E021965 | People v. Mario Herrera
Judgment affirmed.
Ramirez, P.J.
We concur: McKinster, J., Ward, J. | Opinion |
| E020215 | Spiegel Enterprises v. Robert D. Raney et al.
Judgment modified and affirmed with directions.
Gaut, J.
We concur: Ramirez, P.J., Richli, J. | Opinion |

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 29, 1998**

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| E021254 | People v. Erik Z.
Judgment affirmed.
Richli, J.
We concur: Hollenhorst, Acting P.J., Gaut, J. | Opinion |
| E021786 | People v. Ernie J. Orozco
Judgment affirmed.
Ramirez, P.J.
We concur: McKinster, J., Ward, J. | Opinion |
| E021012 | People v. William C. Amos et al.
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: Richli, J., Gaut, J. | Opinion |
| E020048 | People v. Lucio Cabana
Judgment affirmed.
Richli, J.
We concur: Ramirez, P.J., Ward, J. | Opinion |
| E020832 | People v. Kenneth D. Johnston
Judgment affirmed.
Hollenhorst, J.
We concur: Ramirez, P.J., Ward, J. | Opinion |
| E022006 | People v. Theodis Fowler
Judgment affirmed.
Ramirez, P.J.
We concur: McKinster, J., Ward, J. | Opinion |
| E021542 | People v. Frederick F. Geintzer
Judgment affirmed.
Ramirez, P.J.
We concur: McKinster, J., Ward, J. | Opinion |

**Minutes
July 29, 1998, cont.**

- E021105 People v. Humberto C. Ojeda Opinion**
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: McKinster, J., Gaut, J.
- E018630 In re the Marriage of Carla M. Bouchard and Daniel F. Bouchard
Carla M. Bouchard v. Daniel F. Bouchard Opinion**
Judgment affirmed with exception of appeal E019063 which is dismissed.
Sanctions ordered against appellate counsel and appellant.
Hollenhorst, Acting P.J.,
We concur: McKinster, J., Gaut, J.
- E021920 In re Samantha G. et al, Persons Coming Under the Juvenile Court Law;
DPSS v. Joyce G. et al. Opinion**
Judgment affirmed.
Ramirez, P.J.
We concur: Hollenhorst, J., Gaut, J.
- E020253 People v. Craig Opinion**
Judgment affirmed.
- E021863* In re Craig on Habeas Corpus**
Judgment petition denied.
Ramirez, P.J.
We concur: Richli, J., Gaut, J.
*CONSIDERED WITH APPEAL
- E021003 People v. Benitez**
Judgment affirmed in part, reversed in part and remanded with directions.
McKinster, J.
We concur: Ramirez, P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 30, 1998**

- E021194 Mark Ott v. Riverside Unified School District. Opinion**
Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., McKinster, J.
- E019433 Rodney Jackson v. Stater Bros. Markets et al. Opinion**
Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., McKinster, J.
- E020540 People v. Henry S. Lucero Opinion**
Judgment affirmed.
- E021877* In re Henry S. Lucero on Habeas Corpus**
Petition denied.
Ramirez, P.J.
We concur: Ward, J., Gaut, J.
*Considered with appeal.
- E020037 In re Brittnay H., a Person Coming Under the Juvenile Court Law;
DPSS v. Clarence H. Opinion**
Judgment affirmed.
Ramirez, P.J.
We concur: Richli, J., Gaut, J.
- E020360 People v. Javier H. Robles Opinion**
Judgment affirmed.
Ward, J.
We concur: Ramirez, P.J., Hollenhorst, J.
- E021566 People v. Daniel A. Opinion**
Order of commitment affirmed.
McKinster, J.
We concur: Ramirez, P.J., Ward, J.

- E020086 George Z. Kaymaz et al. v. Alan Hasso et al. Opinion**
Judgment Reversed.
Gaut, J.
We concur: Ramirez, P.J., McKinster, J.
- E020909 People v. Idris D. Woods Opinion**
Judgment affirmed.
Hollenhorst, Acting P.J.
We concur: McKinster, J., Gaut, J.
- E020928 People v. Manuel N. Rubalcava Opinion**
Judgment affirmed with directions.
Gaut, J.
We concur: McKinster, Acting P.J., Richli, J.
- E021716 People v. Joseph H. Velasco Opinion**
Judgment affirmed.
Richli, J.
We concur: McKinster, Acting P.J., Gaut, J.
- E021892 DPSS v. Martha B. (FAST TRACK) Opinion**
Judgment affirmed.
Ramirez, P.J.
We concur: Hollenhorst, J., Gaut, J.
- E019829 Reche Canyon Mobile Estates v. Rent Review Comm. of Colton Opinion**
Judgment affirmed.
Gaut, J.
We concur: Ramirez, P.J., McKinster, J.
- E022439 DPSS v. Rene S. Opinion**
Judgment affirmed.
Ramirez, P.J.
We concur: McKinster, J., Gaut, J.
- E021253 People v. Sabree M. Triplett Opinion**
Judgment affirmed.
Hollenhorst, Acting P. J.
We concur: McKinster, J., Gaut, J.
- E019820 People v. Emilio Q. Rios Opinion**
Judgment affirmed.
Richli, J.
We concur: McKinster, Acting P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
San Bernardino, California**

**Minutes
July 31, 1998**

No minutes for July 31, 1998